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July 10, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

By Hand Delivery

Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Dear Sir:

Re: Docket RM 9101

Enclosed are an original and 14 copies of the Comments of KMC Telecom, Inc. and RCN Telecom Services, Inc. in Support of Petition for Expedited Rulemaking on Operations Support Systems. One of the attachments to these Comments, the Declaration of Joseph Kahl, is a faxed copy. The original has been sent to us by an overnight service and we will deliver it to you tomorrow.

Respectfully submitted,



Robert V. Zener

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Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )

Petition for Expedited Rulemaking )  
To Establish Reporting Requirements and )  
Performance and Technical Standards for )  
Operations Support Systems )

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RM 9101

**RECEIVED**

JUL 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS OF KMC TELECOM, INC. AND  
RCN TELECOM SERVICES, INC.  
IN SUPPORT OF PETITION FOR EXPEDITED RULEMAKING ON  
OPERATIONS SUPPORT SYSTEMS**

KMC Telecom, Inc. ("KMC") and RCN Telecom Services, Inc. ("RCN") submit these comments in support of the Petition for Expedited Rulemaking filed by LCI International Telecom Corp. ("LCI") and Competitive Telecommunications Association ("CompTel"), requesting the Commission to establish requirements for nondiscriminatory access by CLECs to the OSS functions of incumbent local exchange carriers.

KMC Telecom, Inc. ("KMC") is a new provider of competitive access and local exchange service throughout the nation. RCN is a reseller of local exchange services in the service areas of NYNEX (in New York and Massachusetts) and Bell Atlantic (in Pennsylvania). RCN is also a facilities-based local exchange carrier in Massachusetts and plans to implement facilities-based service in New York and Pennsylvania in the near future. Both companies have experienced significant difficulties in obtaining adequate operations support from ILECs in the areas in which they operate -- difficulties which, they believe, threaten their ability to provide adequate customer service. Examples of these difficulties are described in these comments. Both companies believe that the relief requested in the Petition is necessary if competitive carriers are

to have a fair opportunity to compete for local exchange business. It is particularly important that the standards governing the ILECs' provision of services to their own customers be established, so that it may be readily determined in any particular case whether the ILEC is conforming to its legal obligation of non-discrimination in the provision of operations support to competitive carriers.

**I. The Experience of KMC and RCN Is That ILECs Are Not Conforming To Their Obligation of Non-Discrimination.**

Section 251(c)(3) of the Telecommunications Act of 1996 requires the ILECs to provide any requesting telecommunications carrier with "nondiscriminatory access to network elements." 47 U.S.C. § 251(c)(3). Operations support systems are included in "network elements," since the Act defines "network element" to include "information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service." 47 U.S.C. § 153(29); see Local Competition First Report and Order at ¶ 516.

The experience of KMC and RCN is that ILEC operations support has been significantly deficient -- so much so that it seems clear that the ILECs are preferring their own customers. In this section, we describe some of the recent experience of KMC and RCN with the deficiencies of ILEC-provided operations support.

**A. KMC experience with ILEC operations support.**

The attached declaration of Paula Linn describes KMC's experiences with BellSouth, which are illustrative of the problems KMC has faced elsewhere. Ms. Linn, who is a Senior Account Executive in KMC's office in Shreveport, Louisiana, describes how the need to place orders manually, faxing them to BellSouth, has led to significant delays in filling of resale and service requests. Linn Declaration at ¶¶ 3-5. In addition, as Ms. Linn describes, the billing

process is such that laborious manual intervention is required to make adjustments; in the case Ms. Linn describes, this meant manually checking a 1,000 page bill, marking the incorrect charges, and faxing the correction to a BellSouth representative for manual issuance of adjustment vouchers. Linn Declaration at ¶ 7.

As LCI and CompTel correctly point out, any operations support system relying on manual intervention causes an unacceptably high rate of error and delay, leading to customer dissatisfaction which inevitably reflects on the competitive carrier in the customers' minds even where the ILEC is at fault. In addition, any system relying on manual intervention will inevitably become increasingly error-prone, and eventually unworkable, as the number of orders and customers reaches a significant level. Commission intervention is urgently needed.

**B. RCN experience with ILEC operations support.**

RCN has experience with the primary OSS-like mechanism that NYNEX has deployed for resellers: the Web Graphic User Interface ("GUI"). As detailed in the attached declaration of Joseph Kahl, RCN's Manager of Regulatory Affairs, RCN has encountered five types of problems with the GUI: (1) the GUI often issues "bad" telephone numbers to RCN; (2) RCN cannot track NYNEX's installers; (3) the GUI issues meaningless and misleading confirmations that service has been installed; (4) the GUI will not accept trouble tickets; and (5) RCN's attempts to interconnect with the GUI via a dedicated line have met with significant delays.

**II. The Commission has the legal authority to provide the relief requested in the Petition.**

The Petition requests issuance of regulations under section 251(d)(1). While the Commission has ample authority under that provision, it also has independent rulemaking

authority under sections 4(i), 201(b) and 303(r) of the Act to implement the provisions of the Communications Act. The rulemaking requested by LCI and CompTel would implement the local competition provisions of sections 251 and 252 of the Act -- and specifically the provision of section 251(c)(3) to provide “nondiscriminatory access to network elements” to any requesting telecommunications carrier. Accordingly, such rulemaking is within the Commission’s statutory authority under these provisions, as well as under section 251(d)(1).

Sections 4(i), 201(b) and 303(r) authorize the Commission to “make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions” (section 4(i)); “prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act” (section 201(b)); and “[m]ake such rules and regulations . . . , not inconsistent with law, as may be necessary to carry out the provisions of this Act . . . .” (section 303(r)). Under these provisions, the Commission’s rulemaking power is “expansive,” not limited. NBC v. United States, 319 U.S. 775, 793 (1978); see FCC v. National Citizens Committee for Broadcasting, 436 U.S. 775, 793 (1978); North American Telecom Association v. FCC, 772 F.2d 1282, 1292 (7th Cir. 1985).

The regulations requested in the Petition are “necessary in the public interest to carry out the provisions of this Act” (section 201(b)), because they are needed to make it possible for all parties and the Commission to determine readily, without lengthy and burdensome case-by-case litigation, whether the operations support provided by an ILEC to a competitive carrier complies with the non-discrimination mandate of section 251(c)(3) of the Act. For the same reason, they are “necessary to carry out the provisions of this Act” (section 303(r)); without clear standards to determine whether the ILECs are providing operations support on a nondiscriminatory basis, the ILECs have every incentive to continue to provide operations support at the present

unsatisfactory level -- thereby generating customer discontent that will inevitably focus on their competitors and prevent competition from reaching a significant level. The Act does not guarantee that competitors will attain a significant level of sales. But it does guarantee them a fair opportunity to compete for significant sales, which they will not be able to achieve as long as they must put up with operations support below the level the ILECs provide their own customers, leading to the type of mistake-filled and delay-prone service that guarantees customer dissatisfaction.

Finally, the regulations requested by LCI and CompTel are “necessary in the execution of [the Commission’s] functions” (section 4(i)). One of the “functions” of the Commission is to take enforcement action against violations of the Act, under either the complaint procedure of section 208 or the cease-and-desist procedure of section 312(b). Regulations requiring specific standards against which charges of discrimination in provision of OSS services can be measured are “necessary in the execution of [the Commission’s enforcement] functions,” because they would relieve the Commission and the parties from the burden of establishing standards on a case-by-case basis.

The courts have uniformly held that broad rulemaking authority of the type established by section 4(i) authorizes agencies to announce in advance the principles they will follow in individual enforcement proceedings, rather than proceeding exclusively on a case-by-case basis. National Petroleum Refiners Ass’n v. FTC, 482 F.2d 672 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974) (the FTC’s statutory authority to “make rules and regulations for the purpose of carrying out the [Federal Trade Commission Act]” includes authority to specify by regulation what constitutes an “unfair or deceptive trade practice” in gasoline marketing (the regulation at issue required disclosure of octane ratings), where one of the Commission’s functions under the

Act was to take enforcement action against such practices); In re Permanent Surface Mining Regulations Lit., 653 F.2d 514 (D.C. Cir.), cert. denied, 454 U.S. 822 (1981). Such a regulation “serves the ‘purpose of shortening and simplifying the adjudicative process and of clarifying the law in advance’ and thus . . . aids the Commission in the ‘orderly conduct of its business.’” 482 F.2d at 679, quoting U.S. v. Storer Broadcasting, 351 U.S. 192, 202 (1957).

It must be emphasized that the purpose of the regulations requested in the Petition is remedial -- to facilitate the determination of when the ILECs are discriminating in the provision of OSS services, and to remedy the pattern of discrimination described in the Petition and confirmed by the experience of KMC and RCN. The Commission’s discretion is “at its zenith when the challenged action relates to the fashioning of remedies.” Towns of Concord, Norwood and Wellesley v. Federal Energy Regulatory Commission, 955 F.2d 67, 76 (D.C. Cir. 1992). Here Congress has ordered the incumbent local exchange carriers to open their networks to competitive carriers; the Petition asks this Commission merely to remedy discriminatory practices by the ILECs in their implementation of the Congressional command. The Commission’s authority to take this step cannot reasonably be questioned.

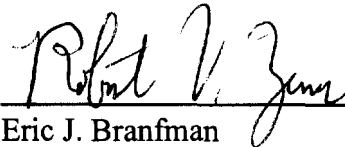
The Supreme Court has held that regulations issued by other agencies under broad rulemaking authority similar to sections 4(i), 201(b) and 303(r) “will be sustained as long as [they are] ‘reasonably related to the purposes of the enabling legislation.’” Mourning v. Family Publications Service, Inc., 411 U.S. 356, 369 (1973), quoting Thorpe v. Housing Authority of City of Durham, 393 U.S. 268, 280-81 (1969). The regulations requested by LCI and CompTel easily fulfill this test. These regulations would establish objective performance benchmarks, enabling all parties to readily determine what was required, and guaranteeing nondiscriminatory treatment without the necessity of litigating the discrimination issue on a case-by-case basis

through lengthy and costly enforcement actions. In sections 251 and 252, Congress mandated the achievement of local exchange competition within a tight time frame. If competitors must first fight lengthy legal battles before achieving the equal competitive opportunity that Congress mandated, the advent of local competition will be indefinitely delayed, the smaller competitors may well lack the resources to persist, and the Congressional purpose will be frustrated. It is time for the Commission to establish clear standards so that the competitive battle may take place in the market rather than in the courts.

### CONCLUSION

The Petition for Expedited Rulemaking should be granted.

Respectfully submitted,



Eric J. Branfman

Robert V. Zener

Anthony R. Petrilla

SWIDLER & BERLIN, CHARTERED

3000 K Street, N.W., Suite 300

Washington, DC 20007-5116

202-424-7500

Attorneys for

KMC Telecom, Inc.

and

RCN Telecom Services, Inc.

Dated: July 10, 1997

## **DECLARATION OF PAULA LINN**

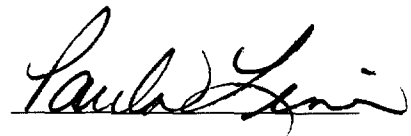
Paula Linn hereby declares:

1. My name is Paula Linn. I am a Senior Account Executive for KMC Telecom Inc. working in KMC Telecom's office in Shreveport, Louisiana. My responsibilities include dealing with BellSouth in the provisioning and servicing of KMC Telecom customers to whom KMC Telecom is reselling BellSouth services.
2. A major problem in my dealing with BellSouth has been that many of the routine functions, including resale orders, service orders and billing, require manual intervention, with result that mistakes and delays are frequent.
3. The current procedure for service orders is to complete a multi-page hand written document with pertinent information on it to make the changes needed for the end user. This is then faxed to a number in Birmingham. A clerk at that location is supposed to log the document in and then pass it to the correct group for service order issuance. In many cases, this information never makes it to the group for service order issuance. If we don't continue to follow up receipt of the fax, orders are not issued. There have been instances where we have faxed our paperwork 2 and 3 times.
4. Once the order is placed, there is no standard interface with whom we follow up the actual dispatch and installation of our service orders. There is no standard system for advising us if the due date is not met (which frequently occurs) or if BellSouth establishes a due date different from the one we requested, with the result that the customer will complain to us without our knowing the status.
5. Resale orders must also be written out and faxed to BellSouth. It appears that an Account Team member must rewrite what we send him before it can be passed to the Vendor Service Center. Delays are frequent. For example, Resale "Switch as is" orders were sent in late March and early April on several major accounts: Prysm Technologies, ChevyLand, Mike Morgan Pontiac and Saturn, Willis Knighton Medical Center. It took over 4 weeks for the resale orders on Prysm Technologies and Willis Knighton Medical Center to take effect.
6. The billing system is such that mistakes cannot be easily corrected, or if at all, without laborious manual intervention. For example, KMC Telecom recently received a bill which reflected a 10%

discount, rather than the 20.72% discount to which it is entitled. When Jamie Longino (City Director) and I asked for a correction, we were refused. The BellSouth representative we spoke with (Clay Walker) said the system was set up for a 10% discount and it will be August or September before the necessary correction can be made. We were told that the correction would be retroactive. In the meantime, KMC Telecom Inc. must pay the entire amount billed to keep our clients from being disconnected.

7. The problem of errors caused by manual processing, and the need for manual corrections, was illustrated by our May bill for Louisiana. In that bill, we were incorrectly billed over \$8,000 worth of installation charges on switch as is orders because of incorrect codes issued on the service orders. The adjustments require that someone from our office go through our multi-page bill (this month it is some 1,000 pages long) and mark the incorrect charges, fax this information to our BellSouth Account Representative, who in turn must issue manual adjustment vouchers to correct. Huntsville's bill this month had \$60,000 worth of incorrect installation charges on it.

I hereby declare, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge and belief.

A handwritten signature in cursive script, appearing to read "Paula Linn", written over a horizontal line.

Paula Linn

July 7, 1997

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Expedited Rulemaking	)	
To Establish Reporting Requirements and	)	RM 9101
Performance and Technical Standards for	)	
Operations Support Systems	)	

**DECLARATION OF JOSEPH KAHL**

Joseph Kahl declares that:

1. My name is Joseph Kahl. I am the Director of Regulatory Affairs for RCN Telecom Services, Inc. ("RCN"), working in RCN's office in Princeton, N.J. My responsibilities primarily include managing RCN's regulatory affairs in New York, Massachusetts, and Pennsylvania.

2. In connection with developing RCN's comments on the Petition for Expedited Rulemaking of LCI International Telecom Corp. and the Competitive Telecommunications Association (RM 9101), I gathered information from persons employed by RCN regarding their experience interfacing with the Operational Support Systems ("OSS") deployed by the subsidiaries of NYNEX Corporation ("NYNEX") in New York and Massachusetts. In addition, I drew upon the sworn testimony of my colleague, Michael Daily, given to the New York Public Service Commission.<sup>1</sup> In this affidavit, I have summarized all of the foregoing information.

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<sup>1</sup> See *Petition of New York Telephone Company for approval of its statement of generally available terms and conditions pursuant to Section 252 of the Telecommunications Act of 1996 and Draft Filing of Petition for InterLATA Entry pursuant to Section 271 of the Telecommunications Act of 1996*, Case 97-C-0271, Minutes of Technical Conference (April 2, 1997) ("Technical Conference Minutes") (relevant portions attached hereto as Exhibit A).

3. RCN has experience with the primary OSS-like mechanism that NYNEX has deployed for resellers: the Web Graphic User Interface ("GUI").

4. NYNEX's Web GUI purports to provide competitors with "on-line" access to NYNEX's OSS (via the World Wide Web), but is really nothing more than an electronic mail-based equivalent of a facsimile machine. Resellers may input service orders (and even obtain new telephone numbers for customers), but NYNEX merely prints these orders and has its people manually input them into the OSS it actually uses for its own operations.<sup>2</sup> The GUI is thus extremely slow and entirely lacks the capability to provide "real-time" status reports on service installations.

5. To date, RCN has experienced five types of problems with the GUI: (1) the GUI often issues "bad" telephone numbers to RCN; (2) RCN cannot track NYNEX's installers; (3) the GUI issues meaningless and misleading confirmations that service has been installed; (4) the GUI will not accept trouble tickets; and (5) RCN's attempts to interconnect with the GUI via a dedicated line have met with significant delays.

6. First, when RCN places an order for new service, the GUI issues a telephone number for that order. On many occasions, the issued number is "bad" — that is, it is already in use by another customer or is otherwise unusable for the order. Unfortunately, RCN has no way to determine from the GUI whether a number is bad. RCN generally is alerted to such situations only on the due date or afterwards, when the NYNEX installers must be re-scheduled to come to the customer's premises on another occasion. At that point, RCN must work with NYNEX to re-

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<sup>2</sup> Technical Conference Minutes, at 389.

schedule the installation — a task that it cannot do electronically over the GUI. Nevertheless, its customer has already suffered the inconvenience of spending a half-day waiting for installers that never arrived.

7. Second, although the GUI issues a due date for service, RCN, unlike NYNEX, has no way of tracking NYNEX's installers. Beyond the half-day window specified by the GUI, RCN cannot tell customers when, *or even if*, NYNEX's people will arrive at the customers premises on the due date. NYNEX, on the other hand, can provide customers with status updates, throughout the day on the due date, to provide a more precise indication of when the installers will arrive at the customer's premises. By contrast, RCN learns that NYNEX has missed a due date, or arrived at the wrong time (when the customer is not present to provide access to the premises), only when the customer reports that service has not been turned up on the following day.

8. Third, the GUI issues confirmations of service installations to RCN that are so often incorrect that they are meaningless.<sup>3</sup> Because the GUI is not connected to NYNEX's actual OSS, it has no way of knowing whether service was ever truly installed.

9. Fourth, the GUI will not accept trouble tickets. If a technical problem exists in a customer's line, RCN must engage in a "combination of faxing, chasing down the appropriate repair personnel via phone and following through on the system like that."<sup>4</sup> RCN has no way of allocating maintenance and repair personnel resources electronically, the way that NYNEX does.

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<sup>3</sup> Technical Conference Minutes, at 390.

<sup>4</sup> Technical Conference Minutes, at 388.

This lack of access to NYNEX's OSS imposes additional delay on RCN's customers, as they wait for repair services to be dispatched — a situation which NYNEX's customers do not experience.

10. Fifth, RCN has sought direct access to the GUI, via a dedicated line, but has experienced significant delays in achieving such interconnection. To be specific, on March 13, 1997, RCN ordered a dedicated T-1 circuit<sup>5</sup> to connect its office at 419 Boylston Street, Boston, MA to the GUI via NYNEX's data center in Burlington, MA. At the direction of NYNEX's account team in White Plains, NY, RCN ordered this T-1 circuit from its interexchange carrier contacts at NYNEX's headquarters in New York City. As the NYNEX account team later admitted, this ordering procedure specified by NYNEX was improper. On May 12, 1997, RCN re-ordered the T-1 circuit from the NYNEX business office in Boston. The T-1 circuit has yet to be provisioned, even though fifty-two days have passed since RCN re-ordered it. In the meantime, RCN has had no choice but to order wholesale service for customers by connecting to the GUI with a normal computer modem. However, so-called "dial-up" interconnection of the sort is an extremely slow, entirely unreliable and commercially *unreasonable* ordering procedure.

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<sup>5</sup> Circuit Identification No. 95HCGL204482, Order No. N5BT9566.

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FROM

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ID:2824247845

PAGE 5/8

Unfortunately, NYNEX does not have any sort of process in place to ensure that a carrier like RCN can access the GUI directly in a timely fashion.

*Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: July 10, 1997.*

  
Joseph Kahl  
Director of Regulatory Affairs

## **EXHIBIT A**

1 NEW YORK STATE PUBLIC SERVICE COMMISSION

2  
3 IN THE MATTER OF

4 Case 97-C-0271 - Petition of New York Telephone  
5 Company for approval of its statement  
6 of generally available terms and conditions pursuant  
7 to Section 252 of the Telecommunications Act of 1996  
8 and Draft Filing of Petition for InterLATA Entry  
9 pursuant to Section 271 of the Telecommunications  
10 Act of 1996.

11 MINUTES OF TECHNICAL CONFERENCE held at the  
12 Commission's Albany Office, Swan Street Building,  
13 Core 4 (North), Albany, New York, on Wednesday, the  
14 2nd of April, 1997, commencing at 9:05 a.m.

15 BEFORE: Eleanor Stein,  
16 Administrative Law Judge  
17 Judith A. Lee,  
18 Administrative Law Judge  
19 Jaclyn Brilling,  
20 Administrative Law Judge.

21 APPEARANCES:

22 For NEW YORK STATE DEPT. OF PUBLIC SERVICE STAFF

23 By: ANDREW M. KLEIN, Counsel  
24

## PANEL - KLEIN

requester.

MR. KLEIN: Judge, at this time I'd like to ask the competitors for their input based on their experience with the systems and how well those systems have worked in their own experience. Do we have, I imagine--

JUDGE STEIN: Volunteers?

MR. KLEIN: --interesting comments on this area?

JUDGE STEIN: Who else.

Q Why don't we start on this end this time?

A (Ball) Comments only on resale or on all

OSS?

BY MR. KLEIN:

Q Well, I guess, why don't we do this. Why don't we address the reseller interface, go through that and then go back and address the interfaces or ordered unbundled elements?

A (Ball) And interconnection?

BY MR. KLEIN:

Q And interconnection?

A (Wehnes) We are presently not doing any resell as of yet.

JUDGE STEIN: Would you like to comment?

## PANEL - KLEIN

1 A (Dailey) We have been doing, RCN have been  
2 reselling pretty much since it's been allowed in New  
3 York State, October 8th, I believe, and as of that  
4 time we had a lot of different experiences and shared  
5 many in some of NYNEX's growing pains.

6 One thing specific to the OSS that we are  
7 experiencing still today is that we ~~are able to~~  
8 ~~enter trouble tickets into the system.~~ We've  
9 been trying to do so for better than two months. As  
10 of yesterday April 1st was the first time we were  
11 ever able to complete the those metallic line test,  
12 MLT. Yesterday was the first day we were able to  
13 complete that. ~~The trouble process has been very~~  
14 ~~convoluted.~~

15 Q How do you? Is this to report a problem,  
16 trouble tickets?

17 A (Dailey) It's been a combination of faxing,  
18 chasing down the appropriate repair personnel via  
19 phone and following through on the system like that.  
20 That's basically what we've been able to do. There's  
21 not been a solid written format such as using the web  
22 GUI to track our troubles up until at least still  
23 from I believe as of our records yesterday was the  
24 first day we were able to do remote testing on our

## PANEL - KLEIN

1 own.

2 Another issue that we had that Mr. Miller  
3 just addressed we do know ~~there are still problems~~  
4 ~~you can put it in~~ not flow directly to NYNEX's  
5 ~~Operating Support Systems~~. Mr. Miller has identified  
6 he said there were eight that are now available.

7 A (Miller) That is correct.

8 A (Dailey) So we've known we've put an order  
9 in and since the web GUI has worked as well as a fax  
10 but NYNEX is then able to print out a paper copy,  
11 carry it to an individual and manually put it into  
12 the manual flow systems their Operating Support  
13 Systems. ~~This has resulted in some problems and~~  
14 ~~serious slowdowns~~ for us in putting our products in  
15 place and having them be operational or our customers  
16 because of the human element.

17 Specifically, a couple of issues have  
18 occurred. ~~One has been~~ we've been receiving  
19 confirmation. We put into the web GUI system and put  
20 in an order and you get back on day 1. Day one is  
21 expected to be flipped over to the reseller and the  
22 due dates have been received but there have been  
23 problems on NYNEX's side and delays to start a  
24 service beyond the confirmed due date.

## PANEL - KLEIN

We put in an order. It would say a due date of, say, like March 4th. March 4th would come. We received confirmation of the order it flipped and either that afternoon or the next day we'd get a call from NYNEX saying that the order--there are problems or if did not in fact flip to our service and it would be rescheduled further out.

We already received confirmation. It had already gone through our billing system assuming the non-recurring charges would commence on that date. I guess that from the OSS standpoint that would be the largest problem.

BY JUDGE STEIN:

Q What happens to the customer in that situation? Does that impact on the customer directly or the customer just keeps having NYNEX service?

A (Dailey) It wouldn't from a service standpoint but it would from a billing issue. We are assuming that the order was flipped on a certain date so we would commence our operations on that day, but there has been a situation--be sure I have this correct here--the customer not only wanted to do a flip over to us on their primary line.

They were also looking to install an

## PANEL - KLEIN

1 additional line on the same date and the NYNEX  
2 installer missed the installation date, so that was  
3 another problem, yet we had received the confirmation  
4 both the original line and new installed line had  
5 flipped.

6 BY MR. KLEIN:

7 Q Mr. Dailey, I have a question for you  
8 regarding the first problem you addressed, which was,  
9 I believe, replacing a repair order. Did you  
0 identify what the source of that problem was and was  
1 that problem ever resolved?

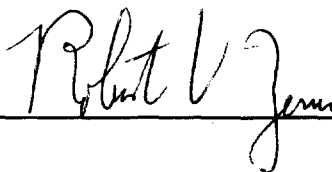
2 A (Dailey) ~~The problem is GUI is not~~  
3 ~~accepting them yet,~~ the web GUI is not accepting  
4 trouble tickets, at least they are not as of  
5 yesterday. Yesterday was the first time in eight  
6 weeks of attempts that we were able to use the  
7 metallic test. Unless you do remote tests to see if  
8 there are troubles with the line or customer's phone.  
9 This is first time we were allowed to do that on the  
0 network. I mean, NYNEX is moving forward with  
1 things, but it is at a very slow pace and it has  
2 affected our customer service.

3 Q Okay.

JUDGE STEIN: Mr. Kennedy?

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMENTS OF KMC TELECOM, INC. AND RCN TELECOM SERVICES, INC. IN SUPPORT OF PETITION FOR EXPEDITED RULEMAKING ON OPERATIONS SUPPORT SYSTEMS were served this 10th day of July 1997 by first class mail postage prepaid or by hand delivery (as indicated by an asterisk (\*)) to each on the attached mailing list.



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[Original + 14]

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ITS, Inc. \*  
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